

BENJAMIN C. DURHAM, ESQ.
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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OMAR RODRIGUEZ,

Defendant.

CASE NO: 2:14-CR00367-001

**STIPULATION TO
CONTINUE SENTENCING**

IT IS HEREBY STIPULATED AND AGREED, by and between PAMELA MARTIN, Assistant United States Attorney, counsel for Plaintiff, and BENJAMIN DURHAM, counsel for Defendant, that the sentencing currently scheduled for May 5, 2015, be vacated and continued for approximately 30 days from the current sentencing date.

This Stipulation is entered into for the following reasons:

1. Defense counsel needs additional time to prepare and complete certain actions related to sentencing mitigation in order to effectively represent Mr. Rodriguez before this Honorable Court at the time of sentencing. The Defendant concurs in this request.

2. All parties agree to the continuance.

3. The additional time requested herein is not sought for purposes of delay.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. This is the first request to continue sentencing filed herein.

DATED this 28th day of April, 2015.

BENJAMIN DURHAM LAW FIRM

DANIEL G. BOGDEN
United States Attorney

/s/ Benjamin Durham

/s/ Pamela Martin

BENJAMIN DURHAM
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PAMELA MARTIN
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**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing, the Court finds:

1. Defense counsel needs additional time to prepare and complete certain actions related to sentencing mitigation in order to effectively represent Mr. Rodriguez before this Honorable Court at the time of sentencing. The Defendant concurs in this request.

2. All parties agree to the continuance.

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1 3. The additional time requested herein is not sought for purposes of delay.

2 4. Additionally, denial of this request for continuance could result in a miscarriage of
3 justice.

4 5. This is the second request to continue sentencing filed herein.

5 For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the sentencing.


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8 **CONCLUSIONS OF LAW**

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10 The ends of justice served by granting said continuance outweigh the best interest of the
11 public, since the failure to grant said continuance would be likely to result in a miscarriage of
12 justice, would deny the parties herein sufficient time and the opportunity within which to be able
13 to effectively and thoroughly prepare for sentencing, taking into account the exercise of due
14 diligence.

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16 **ORDER**

17 IT IS HEREBY ORDERED that the sentencing currently scheduled for May 5, 2015, be
18 continued to Tuesday, June 9, 2015 at the hour of 10:00 a.m.

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20 DATED AND DONE this 1st day of May, 2015.

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24 RICHARD F. BOUWLARE, II
25 United States District Judge
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